

App. No. 10/062,167
Amendment mailed July 29, 2003
Reply to Office Action mailed April 29, 2003

REMARKS

In response to the Office Action mailed May 29, 2003, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. Claims 1, 3, and 4 have been amended to more clearly describe the invention. As a result, claims 1-5 are still pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

Rejection of Claims 1 and 5 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1 and 5 under 35 U.S.C. § 102(b) as being anticipated by Gibson. The Applicant respectfully traverses the rejection.

The Applicant respectfully submits that Gibson does not teach a method or product in which a band forms a tight loop that wraps entirely around the rails of a fence section and holds it together. Accordingly, the Applicant has amended claim 1 to include many of the limitations of claim 3, which was not rejected in the office action. Therefore, the Applicant respectfully submits that Gibson cannot support the rejection of claims 1 and 5 under 35 U.S.C. § 102(b).

Rejection of Claim 5 Under 35 U.S.C. § 102(b)

The Examiner rejected claim 5 under 35 U.S.C. § 102(b) as being anticipated by Lawrence or Bisch '564 or Bisch '868. The Applicant respectfully traverses the rejection.

The Applicant respectfully submits that none of the references teach a product in which a band forms a tight loop that wraps entirely around the rails of a fence section and holds it together. Accordingly, the Applicant has amended claim 1 to include many of the limitations of claim 3, which was not rejected in the previous office action. Since claim 5 depends from claim 1, the Applicant respectfully submits that neither Lawrence nor Bisch '564 nor Bisch '868 can support the rejection of claim 5 under 35 U.S.C. § 102(b).

Rejection of Claims 1 and 2 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being obvious over Lawrence. The Applicant respectfully traverses the rejection.

The Applicant respectfully submits that Lawrence does not teach or suggest a method in which a band forms a tight loop that wraps entirely around the rails of a fence section and holds it together. Accordingly, there is no motivation to use a banding machine as suggest by the Examiner. Furthermore, the Applicant has amended claim 1 to include many of the limitations of claim 3, which was not rejected in the previous office action. Therefore, the Applicant respectfully submits that Lawrence cannot support the rejection of claims 1 and 2 under 35 U.S.C. § 103(a).

Rejection of Claims 1, 2, and 4 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 2, and 4 under 35 U.S.C. § 103(a) as being obvious over Bisch. The Applicant respectfully traverses the rejection.

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The Applicant respectfully submits that Bisch does not teach or suggest a method in which a band forms a tight loop that wraps entirely around the rails of a fence section and holds it together. Accordingly, there is no motivation to use a banding machine as suggest by the Examiner. Moreover, the Applicant has amended claim 1 to include many of the limitations of claim 3, which was not rejected in the previous office action. Therefore, the Applicant respectfully submits that Bisch cannot support the rejection of claims 1, 2, and 4 under 35 U.S.C. § 103(a).

Conclusion

The Applicant has distinguished claims 1-5 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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